

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE:)	CHAPTER 13
)	CASE NO. 10-31735-DOT-13
JAMES M. MASON,)	
and)	
MARGIE S. MASON,)	
)	
Debtor(s).)	
-----)	
)	
CHRYSLER FINANCIAL SERVICES)	
AMERICAS, LLC, f/k/a DAIMLERCHRYSLER)	
FINANCIAL SERVICES AMERICAS, LLC,)	
)	
Movant,)	
)	
v.)	
)	Motion No. _____
JAMES M. MASON,)	
and)	
MARGIE S. MASON,)	
and)	
ROBERT E. HYMAN, Trustee,)	
)	
Respondents.)	

**AGREED ORDER CONDITIONING AND
MODIFYING THE AUTOMATIC STAY**

This matter was before the court on a motion for relief from the automatic stay filed by Chrysler Financial Services Americas, LLC, f/k/a DaimlerChrysler Financial Services Americas, LLC ("Movant"), by counsel, with respect to the 2006 Nissan Altima, Vehicle Identification No. 1N4AL11D46C159653.

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Upon consideration of which, it is

ORDERED:

1. The Debtor(s) will resume making regular monthly installment payments in the amount of \$308.16 as they become due commencing on November 10, 2010.

2. The Debtor(s) will cure the post petition arrearage currently due to the Movant through October 2010 in the total amount of \$924.48, which consists of the following:

<u>ITEM:</u>	<u>TOTAL OF EACH ITEM:</u>
3 Payments of \$308.16	\$924.48

by making the following payments:

- a. \$308.16 on or before December 1, 2010
- b. \$308.16 on or before January 1, 2011
- c. \$308.16 on or before February 1, 2011

3. In the event that any payment required by this order is not received by the Movant within 15 days after it is due, the Movant may mail a notice of default to the debtor by first class mail, postage prepaid (and, if it desires, also by certified or registered mail) with a copy to Counsel for the Debtor(s) and the trustee by first class mail, postage prepaid or by email at the same time as the notice of default is mailed to the Debtor(s). The notice of default will state simple and plain language:

- a. That the Debtor(s) is in default in making at least one payment required under this order;
- b. The dates and amount of each payment missed and any late charge or other fee necessary to cure the default;
- c. The action necessary to cure the default, including any address to which payments must be mailed;

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- d. That the Debtor(s) or trustee must take one of the following actions within fifteen days after the date of the mailing of the notice of default:
 - i. cure the default;
 - ii. file an objection with the court stating that no default exists; or
 - iii. file an objection with the court stating any other reason why an order granting relief from the automatic stay should not be entered.
- e. That is the Debtor(s) or trustee does not take one of the actions set forth in paragraph 3(d), the Movant may file a certificate that it has complied with the terms of this order and that the court may grant relief from the automatic stay without further notice to the Debtor(s); and
- f. That if the automatic stay is terminated, the property may be sold at foreclosure.

If the Debtor(s) or trustee does not take one of the actions set forth in paragraph 3(d), the Movant may submit a certificate stating that it has complied with the terms of this order and that neither the Debtor(s) nor the trustee has taken one of the actions set forth in paragraph 3(d) and may submit together with the certificate a draft order terminating the stay.

If the Debtor(s) or trustee files an objection to the notice of default, the Movant must set the matter for hearing and give notice of the hearing to the Debtor(s), Counsel for the Debtor(s) and the trustee. At the hearing, the court may terminate the stay or take other actions appropriate to the circumstances.

4. The provisions of this order with respect to the regular monthly installment payment expire one year after the date of entry of this order. In the event of the default in payment of any such payments, Movant must obtain relief by a new motion for relief from stay with appropriate notice and hearing.

- 5. Until an order is entered terminating the automatic stay, the movant may not

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refuse to accept or apply payments tendered by the Debtor(s), even if such payments are late or in an improper amount; however, the Movant's acceptance of non-conforming payments is without prejudice and shall not constitute a waiver of any default.

6. The automatic stay is modified to permit the noteholder or servicing agent to send the debtor any payment coupons, payment statements or invoices, notices of late payments, notices of payment changes, notices of servicing transfers, or any other notice, other than a notice of acceleration or demand for payment of the entire balance, normally sent to the customers in the ordinary course of business, but otherwise such stay shall remain in full force and effect until further order of the court.

7. Should the Debtor(s) default pursuant to the terms contained herein, unless ordered by this court, Movant shall be entitled to reasonable attorney's fees in the amount of \$100.00 for issuance for a notice of default, and an additional \$150.00 for issuance of a certificate of default and preparation on an order terminating the stay.

ENTER this _____ day of _____, 2010.

DOUGLAS O. TICE, Judge

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Chrysler Financial Services Americas, LLC, f/k/a

DaimlerChrysler Financial Services Americas, LLC v.

James M. Mason and

Margie S. Mason

Motion No. _____

I ASK FOR THIS:

Chrysler Financial Services Americas, LLC, f/k/a

DaimlerChrysler Financial Services Americas, LLC

By /s/ Steven L. Higgs
Of Counsel

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Higgs File No. 09101.168\FILES09101.168\Consent Order\11/10/10

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DaimlerChrysler Financial Services Americas, LLC v.
James M. Mason and
Margie S. Mason
Motion No. _____

SEEN and AGREED:

James M. Mason and
Margie S. Mason

By /s/ Linda D. Jennings
Of Counsel

Linda D. Jennings, Esq.
The Debt Law Group, PLLC
111 Highland Avenue
Colonial Heights, Virginia 23834

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SEEN and AGREED

/s/ Robert E. Hyman
Trustee

Robert E. Hyman, Trustee
P.O. Box 1780
Richmond, Virginia 23218-1780

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Certification

The undersigned certifies that the foregoing Order Granting Relief from Stay is identical to the form order required by Administrative Order 10-2 and that no modifications, additions, or deletions have been made.

/s/ Steven L. Higgs
Steven L. Higgs

Local Rule 9022-1(C) Certification

The foregoing Order was endorsed by and/or served upon all necessary parties pursuant to Local Rule 9022-1(C).

/s/ Steven L. Higgs
Steven L. Higgs

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PARTIES TO RECEIVE COPIES

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